

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Richard Peterson v Menominee County Clerk**

Docket No. **297384**

L.C. No. **09-013070-AS**

David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because it was not filed within 21 days of the order being appealed from and no motion for postjudgment relief was filed within the initial 21-day appeal period. MCR 7.204(A)(1)(a). Notably, the filing of a copy of the claim of appeal with the circuit court within 21 days of the March 1, 2010 order appealed from cannot establish jurisdiction in this Court because, to vest this Court with jurisdiction, a claim of appeal must be timely filed with the Clerk of this Court. See MCR 7.202(1); MCR 7.204(B). At this time, appellant may seek to appeal the March 1, 2010 order only by filing a delayed application for leave to appeal under MCR 7.205(F).

The motion for immediate consideration is DENIED as moot.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 21 2010

Date

Sandra Schultz Mengel

Chief Clerk